



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1470
Alexandria, Virginia 22303-1470
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 830,060	07 23 2001	Mieko Sakai	2001_0489A	9676

512 7500 05 21 2003

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N.W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT	PAPER NUMBER
----------	--------------

1714

DATE MAILED: 05 21 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/830,000	Applicant(s) SARKI et al
Examiner Edward Can	Group Art Unit 1714

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 2/24/03

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 and 13-19 is/are rejected.
- ☒ Claim(s) 11 and 12 is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____
received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892 _____ Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 _____ Other _____

Office Action Summary

1. The amendment received February 24, 2003 has been made of record. Claim 1-4 and 6-19 are pending.
2. The rejection under 35 USC 112 and the objections to claim 1, 4 and 18 are withdrawn in view of applicant's amendments.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
5. Claims 1-7, 10, 14 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ittmann et al.

Ittmann et al disclose resin compositions for producing molded articles with the appearance of granite.

These compositions are taught as comprising up to 80% inorganic filler with the balance (20%) being PMMA (see claim 1) or copolymers from methyl methacrylate and other acrylic monomer.

The inorganic component is taught or suitably a confirmation of two separate fillers either of which could be considered as an aggregate components. Particle sizes meeting applicants limitations are also disclosed.

6. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ittmann et al.

Ittmann et al disclose granite like composition as discussed above. The reference presents a list of optional additives, which include flame-retardants and plasticizers at column 3, lines 3-5.

Therefore, it would have been obvious to one of ordinary skill in the art to select these additional components when their art known projections were desired.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ittmann in view of Schock.

This rejection is maintained substantially as set forth in the previous Office action at paragraph 8.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ittmann in view of Cohen.

This rejection is maintained substantially as set forth in the previous Office action at paragraph 10.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ittmann in view of Ashton.

This rejection is maintained substantially as set forth in the previous Office action as paragraph 9.

Art Unit: 1714

10. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna W. Lee whose telephone number is (703) 306-5875. The examiner can normally be reached on Monday-Thursday 6:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9311 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



K.W. Lee/dh
May 19, 2003